

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: E. I. DU PONT DE NEMOURS
AND COMPANY C-8 PERSONAL
INJURY LITIGATION

Case No. 2:13-md-2433
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth A. Preston
Deavers

This document relates to:

Joseph and Donna Hall v. E. I. du Pont de Nemours and Co., Case No. 2:23-cv-869
Ian and Heather Lynn v. E. I. du Pont de Nemours and Co., Case No. 1:22-cv-751

MOTIONS IN LIMINE ORDER

Preservation Motions and Notices

*(Hall, Case No. 2:23-cv-869, ECF Nos. 71, 72, 73, 76, 77, 80, 81, 83, 85, 87, 90, 96;
Lynn, Case No. 1:22-cv-751, ECF Nos. 73, 74, 75, 77, 79, 80, 83, 84, 86, 88, 90, 97)*

Plaintiffs filed a number of preservation motions in limine. Plaintiffs explain that “[t]he Court has addressed these issues and arguments in prior cases” in this MDL 2433. (See, e.g., *Hall*, Case No. 2:23-cv-869, MIL No. 1, ECF No. 71, PageID 5379; *Lynn*, Case No. 1:22-cv-751, MIL No. 1, ECF No. 73, PageID 4732.) In each motion, Plaintiffs elaborate on how similar issues were raised by the parties and addressed by the Court in prior MDL 2433 trials. (*Id.*)

These motions in limine include:

- To Preclude Irrelevant General Causation Evidence (MIL No. 1),
- To Exclude Any and All “Expert” Opinions from Individuals Disclosed as Experts for DuPont in Other C-8 Cases, but Not in These Cases (MIL No. 2),
- To Exclude Evidence of Dr. Michael B. Siegel’s Unrelated Opinions, Writings, and/or Views on Gun Control and/or Legislation (MIL No. 3),
- To Exclude Evidence of DuPont’s Employees’ or Other Individuals’ Personal Use of C-8 (MIL No. 6),

- To Preclude DuPont’s References to the Ohio River as One of the Most Polluted Rivers in Ohio and/or the United States (MIL No. 7),
- To Preclude C-8 Cancer Drug Trial Evidence (MIL No. 10),
- To Exclude DuPont’s Use of or Reference to Purported FRE 1006 Summaries Based on DuPont’s Internal Employee Healthy Data (MIL No. 11),
- To Exclude DuPont’s Counsel from Referring to Themselves as Part of DuPont (MIL No. 13),
- To Preclude DuPont from Referring to Prior Excluded Testimony (MIL No. 15), and
- To Exclude Evidence of Dr. Barry S. Levy’s Unrelated Expert Opinions (MIL No. 17).

In response to the above motions in limine, DuPont filed a Notice of Preservation of Previously Filed Oppositions to Plaintiffs’ Preservation Motions in Limine. (*Hall*, ECF No. 96; *Lynn*, ECF No. 97.) DuPont states that it “does not intend to respond individually to the foregoing preservation motions in limine filed by Plaintiffs, but expressly and fully preserves all arguments, objections, and positions made and/or incorporated in its previously filed oppositions” in the main MDL 2433 at ECF Nos. 4767, 4745, 4746, 4749, 4515, 4950, 4951, 4957, and 4959, and *Swartz et al. v. E.I. du Pont de Nemours and Co. et al.*, Case No. 2:18-cv-00136 at ECF No. 117. (*Id.*)

Similarly, DuPont filed a Notice of Preservation of Arguments, Objections, and Positions Set Forth in Previously Addressed Motions in Limine. (*Hall*, ECF No. 90; *Lynn*, ECF No. 77.) DuPont references 37 motions in limine filed in previous MDL 2433 cases and “expressly preserves for appeal all of its positions and arguments as set forth and incorporated in [those 37 motions] and, to the extent applicable, also preserves all claims of error and its positions and arguments as to why different rulings should have been made.” (*Hall*, ECF No. 90, PageID 7032; *Lynn*, ECF No. 77, PageID 4913.)

The Court acknowledges and appreciates the professionalism of counsel. The parties' arguments, objections, and positions are **SO PRESERVED** in the *Hall* and *Lynn* cases.

The Clerk is **DIRECTED** to take down the gavel on these motions in limine in both *Hall* and *Lynn*: Nos. 1, 2, 3, 6, 7, 10, 11, 13, 15 and 17. (*Hall*, Case No. 2:23-cv-869, ECF Nos. 71, 72, 73, 76, 77, 80, 81, 83, 85, 87, 90, 96; *Lynn*, Case No. 1:22-cv-751, ECF Nos. 73, 74, 75, 77, 79, 80, 83, 84, 86, 88, 90, 97.) The Clerk is also **DIRECTED** to file this Motions in Limine Order in both *Hall* and *Lynn*, but not on the main MDL 2433.

IT IS SO ORDERED.

8/20/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE